

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

ROMELL TRESVAN,

Petitioner,

v.

MATTHEW MARTELL, Warden,

Respondent.

No. CV 08-5077-PSG (PLA)


**ORDER ADOPTING MAGISTRATE
JUDGE'S REPORT AND
RECOMMENDATION**

Pursuant to 28 U.S.C. § 636, the Court has reviewed the entire file de novo, including the magistrate judge's report and recommendation. The Court agrees with the recommendations of the magistrate judge.

ACCORDINGLY, IT IS ORDERED:

1. The report and recommendation is adopted.
2. Respondent's Motion to Dismiss is **granted**.
3. Judgment shall be entered consistent with this order.
4. The clerk shall serve this order and the judgment on all counsel or parties of record.

DATED: October 6, 2009


HONORABLE PHILIP S. GUTIERREZ
UNITED STATES DISTRICT JUDGE